

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL E. SEXTON,

Plaintiff : CIVIL NO. 3:CV-08-0789

v.

(Judge Caputo)

**FIRETREE, INC. (PENN-CAPP),
et al.,**

Defendants :

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

The plaintiff, Michael Sexton, is a pro se state prisoner who is attempting to bring a civil rights action against a variety of state individuals who have allegedly denied him disability benefits and transitional housing support upon his expected release from prison. Sexton is presently confined at the Frackville State Correctional Institution ("SCI-Frackville") in Frackville, Pennsylvania. To date, although given repeated opportunities to do so, Sexton has not filed a proper complaint. Most recently, on December 2, 2008, the Court recently gave Sexton a second opportunity to file an amended complaint. (See Doc. 26).

Since opening this matter in April 2008, Sexton has filed a plethora of motions that the Court is precluded from addressing until our jurisdiction is confirmed by the review and acceptance of a proper complaint in this action.¹ To that end, the Court will dismiss the pending motions without prejudice to Sexton to

¹ A civil action is commenced by filing a complaint with the Court. See Fed. R. Civ. P. 3. To date there is no standing complaint in this action.

refile any or all of them once a proper complaint is filed.²

ACCORDINGLY, THIS 12th DAY OF DECEMBER, 2008, IT IS
HEREBY ORDERED AS FOLLOWS:

1. Plaintiff's Motion for an Order (doc. 12) is dismissed without prejudice.
2. Plaintiff's Motion for an Order (doc. 22) is dismissed without prejudice.
3. Plaintiff's Motion for Order (doc. 28) is dismissed without prejudice.
4. Plaintiff's Motion for Leave to Proceed In Forma Pauperis (doc 29) is dismissed as moot as it is redundant. On June 17, 2008, this Court granted Plaintiff's previous motion to proceed in forma pauperis. See Doc. 10.



A. RICHARD CAPUTO
United States District Judge

² Plaintiff is advised that pursuant to M.D. Pa. Local Rule 7.5 the Court may deem his various motions voluntarily withdrawn due to his failure to submit a brief in support of each motion. See M.D. Pa. Local Rule 7.5. Plaintiff is cautioned that this Court will deem any future motions unsupported by a timely brief, except those as permitted by Local Rule, to be withdrawn.